

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CARRIE EARLENE WALKER,

Petitioner,

v.

CASE NO. 21-3245-SAC

GLORIA GEITHER,

Respondent.

MEMORANDUM AND ORDER

When Petitioner Carrie Earlene Walker filed her petition for writ of habeas corpus on October 22, 2021, she neither paid the \$5.00 statutory filing fee nor submitted a motion to proceed in forma pauperis. Accordingly, the same day, the Court mailed a notice of deficiency to Petitioner directing her to either pay the filing fee or submit a motion to proceed in forma pauperis and the required supporting documents within 30 days. (Doc. 2.) The notice advised Petitioner if she failed to do so, this action might be dismissed without further notice and granted Petitioner until November 22, 2021, to file the motion or pay the filing fee. *Id.* On December 1, 2021, the Court dismissed this matter under Federal Rule of Civil Procedure 41(b) because the Court had not yet received from Petitioner either the filing fee or a motion to proceed in forma pauperis. (Doc. 4.) In that memorandum and order, the Court also informed Petitioner that because the matter was dismissed, she was no longer required to file the status report due on or before December 10, 2021. *Id.*

On December 7, 2021, however, the Court received payment of the \$5 statutory filing fee and it appears that Petitioner requested payment of the fee in a timely manner and the delay was no fault of Petitioner. The Court therefore will direct the clerk of court to reopen this matter. As a result, the Court renews its order, made originally in its memorandum and order of October 26, 2021, that Petitioner file a written status report advising the Court whether she intends to pursue state-court

remedies on her claims. (See Doc. 3.) The status report must be submitted on or before January 7, 2022. Upon receipt of the status report, the Court will resume its review of the petition and issue any additional orders as necessary.

IT IS THEREFORE ORDERED that the clerk shall reopen this matter and Petitioner is granted until and including January 7, 2022, to file her written status report regarding whether she intends to pursue state-court remedies.

IT IS SO ORDERED.

DATED: This 8th day of December, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW
U.S. Senior District Judge